

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and the reasons that follow.

Status of Claims:

Claim 29 is currently being canceled, whereby the features of claim 29, as well as other features, are now incorporated into each of the presently pending independent claims.

No claims have been added.

Claims 1, 7, 8, 10-16, 35, 37-41 and 44 have been amended.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-28 and 30-45 are presently pending for further consideration.

Request for Entry of After-Final Amendment and Reply:

Applicant respectfully requests entry of this after-final amendment and reply, since: a) it is believed to place this application in condition for allowance, and b) at the very least, it is believed to lessen the number of potential issues for appeal.

Examiner Interview:

Applicant's representative appreciates the courtesies extended to him by Examiner Elisca, during a personal interview conducted at the PTO on Monday, March 7, 2005. During that interview, proposed claim amendments were discussed in order to distinguish the presently pending claims from the cited art of record. Those proposed claim amendments have been incorporated in this amendment and reply.

Claim Rejections – Prior Art:

In the Office Action, claims 1-45 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kawan (U.S. Patent No. 6,442,532) in view of Moskowitz et al. (U.S. Patent No. 5,822,432). For at least the following reasons, this rejection has been overcome.

In the presently claimed invention, a deal between a purchaser (with a mobile terminal) and a seller is conducted at a same location, whereby the purchaser's mobile terminal scans in information of an item to be purchased, by way of a bar code on the item to be purchased, or provided directly to the purchaser by the seller. For example, the present invention is applicable to a case where a purchaser is trying to purchase a product from a grocery store, or where a purchaser is trying to pay a toll at a toll booth.

Kawan discloses a scheme by which a user can add value to his/her smart card, either by entering his/her smart card at a kiosk at a Mall, for example, or at the user's home computer. In either case, the user is not co-located with the seller, which, in the case of Kawan, is a bank or other type of financial institution. Accordingly, no bar code information provided directly from a seller to a purchaser is performed in the system of Kawan.

Moskowitz describes a watermark scheme by which a purchaser can legally purchase something from a seller, and whereby the user is not co-located with the seller, and in which no bar code information is provided directly from the seller to the purchaser in the system of Moskowitz.

Accordingly, each of the presently pending claims patentably distinguishes over the combination of Kawan and Moskowitz.

With respect to the arguments provided in the previously-filed reply, Applicant still believes that there is no motivation to combine the teachings of Kawan and Moskowitz, but, in the interest of advancing prosecution, Applicant

has amended the claims in order to more clearly distinguish over the cited art of record.

Conclusion

Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Acknowledgements Requested

The Examiner is also requested to acknowledge the Applicant's claim for convention priority and submission of the priority document of May 8, 2001. The Examiner is further requested to acknowledge the Information Disclosure Statements (IDSs) filed on April 8, 2003, December 8, 2003 and April 20, 2004.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date March 8, 2005

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5300
Facsimile: (202) 672-5399

By Phillip J. Articola

David A. Blumenthal
Registration No. 26,257

Phillip J. Articola
Registration No. 38,819